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July 29, 1993

**Mr. William F. Caton
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Federal Communications Commission
Room 222
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Washington, D.C. 20554**

RECEIVED

JUL 29 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: ET Docket No. 93-198, Preparation for International Telecommunication Union World
Radiocommunication Conferences**

Dear Mr. Caton:

Attached is the original and required copies of the Reply Comments of Primosphere Limited

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Preparation for International)
Telecommunication Union)
World Radiocommunication)
Conferences)

ET Docket No. 93-198

REPLY COMMENTS OF PRIMOSPHERE LIMITED PARTNERSHIP

Primosphere Limited Partnership, ("Primosphere"), by its attorneys, hereby respectfully submits its Reply Comments in the above-captioned rulemaking.

Primosphere, in its Comments, filed on July 19, 1993 recommended among other matters that the United States oppose the reopening of the allocation of 2310-2360 MHz for Broadcasting-Satellite Service (Sound) and complementary terrestrial broadcasting at future World Radiocommunication Conferences. In addition, Primosphere urged the Commission to adopt the position that the full 50 MHz allocated for use in the United States can be made available immediately and that a planning conference is not required for this band.

All other parties commenting on digital audio broadcasting agreed with Primosphere that the allocation of 2310-2360 MHz for satellite DARS need not and should not be reopened at future World Radiocommunication Conferences.

I. All Commenting Parties Oppose Reopening the Allocation of 2310-2360 MHz for Broadcasting-Satellite Service (Sound)

In addition to Primosphere, the American Mobile Radio Corporation (AMRC), Satellite CD Radio, Inc. (CD Radio), Digital Satellite Broadcasting Corporation (DSBC), AfriSpace, and Motorola, Inc. filed comments opposing the reopening of the allocations for Broadcasting-Satellite Service (Sound), ("BSS Sound"). As stated by CD Radio, Inc., "The U.S. should resist

efforts by other administrations to place a comprehensive reexamination of the satellite DAR spectrum on the agenda."¹ The U.S. applicants -- Primosphere, AMRC, CD Radio, and DSBC - urged the Commission to proceed with the current proceeding adopting the 2310-2360 MHz allocation in the U.S. as well as the processing of their pending applications. AfriSpace, which holds an experimental license to uplink in the 1452-1492 MHz band for service to Africa and the Middle East, acknowledges that it does not believe "that effort should be expended to obtain a single worldwide BSS (Sound) allocation."² "Such an exercise could be futile," according to AfriSpace.³

Both Motorola and AMSC ask the Commission to place the emphasis on mobile-satellite service for World Radiocommunication Conferences through the decade, and state that there is no need to re-examine the BSS (Sound) allocations.

Primosphere's opposition to revisiting the allocations for BSS (Sound) is thus unanimously supported by all commenting parties.

II. The Commission Should Interpret Resolution 528 as Inapplicable to the 2310-2360 MHz band

The U.S. applicants for satellite DARS propose that the Commission not apply to the 2310-2360 MHz band the provisions of Resolution 528 (adopted at WARC-92) calling for a planning conference for BSS (Sound) and the availability of only the upper 25 MHz of the allocated bands. All the applicants point out the meaninglessness of these requirements vis a vis the 2310-2360 MHz band. Primosphere agrees with AMRC's statement that:

(T)he U.S. must look very closely at its options for BSS. There are four applications...pending to construct U.S. domestic BSS systems in the 2310-2360

¹ CD Radio Comments, p. 4.

² AfriSpace Comments, p. 7.

³ Id.

MHz band. It appears unlikely that all four of these systems could operate in the upper 25 megahertz. In any event...there should not be any restriction on use of the lower 25 MHz. The 2310-2360 MHz band does not need planning and sharing can best be handled through bilateral negotiations.⁴

The Commission, should disregard AfriSpace's statement that BSS (Sound) should be restricted to the upper 25 MHz until a conference is held.⁵ AfriSpace focussed its comments on the use of the 1452-1492 MHz band, without considering the possible impact on the other frequency bands allocated. AfriSpace plans to operate only in the upper portion of the 1452-1492 MHz band when it introduces its services to the African-Arabian region on an experimental basis in 1996. The perspective of AfriSpace, which is undoubtedly based on its own business and marketing plans, has no bearing on the issue of whether the 2310-2360 MHz band should be

~~referred to allocation in the ITU~~

with the United States satellite DARS allocation in order to expedite the introduction of this important new service to the American public.

IV. The Issue Raised by Radioastronomy Should Be Addressed in the Domestic Proceeding

The National Academy of Sciences ("NAS") filed comments in the instant proceeding expressing concern about possible interference from satellite DARS systems operating in the 2310-2360 MHz band to planetary radar studies being conducted at 2380 MHz at the Arecibo Observatory in Puerto Rico.⁷ NAS states that it is concerned that DARS sideband emissions may spill into the band used for planetary radar astronomy.

Primosphere notes that the NAS filed the same comments within the domestic rulemaking. That proceeding, and not preparations for WRC-93, is the appropriate forum for consideration of this issue. Potential out-of-band interference issues between satellite DARS and radioastronomy operations in Puerto Rico should be handled within the domestic rulemaking. No action can, or should, be taken by the FCC with regard to this issue as it develops United States positions for WRC-93, looking to agendas of future World Radiocommunication Conferences.

V. Conclusion

The Comments on satellite DARS within this proceeding overwhelmingly support a United States position opposed to reopening the issue of BSS (Sound) allocations at future World Radiocommunication Conferences, and a domestic interpretation of Resolution 528 which permits the immediate use of the entire 2310-2360 MHz band for satellite DARS service in the United States without subjecting the band to a planning conference.

⁷ National Academy of Sciences Comments, p. 5 and Attachment 2.

Respectfully submitted,

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July 29, 1993

CERTIFICATE OF SERVICE

I, Andrew F. Taylor, hereby certify that on this 29th day of July, 1993, copies of the foregoing "Reply Comments Primosphere LP" were mailed, postage prepaid, to the following:

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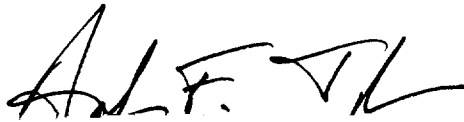
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